HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 5067 OF 2006

DATED: 17.03.2006

Between:

Pampati Narsimhulu

… Petitioner

and

The District Collector, Nalgonda District

And another

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 5067 OF 2006

ORAL ORDER:

The petitioner established a petroleum retail outlet on 4.2.2006; the outlet was inspected on 21.2.2006; the petroleum products therein were seized; the samples sent to a laboratory and a case under Section 6-A of the Essential Commodities Act, 1955 was initiated for violation of the relevant control order.

Some of the samples collected by the inspection team of the Indian Oil Corporation, whose franchisee the petitioner is, were also sent to an ISO 9001 Accredited Testing Lab (Sanathnagar LAB). The IOC had written to the Collector, Civil Supplies on 1.3.2006 that the reports from the Sanathnagar Laboratory disclosed no adulteration in the petitioner's retail outlet. Meanwhile, the petitioner made an application on 7.3.2006 to the 1st respondent for release of the stocks and undertook to furnish security for the release of the seized stocks in his favour.

By the order impugned dated 8.3.2006, the 1st respondent ordered that the seized stocks would be released in favour of the petitioner on producing a bank guarantee for 100% of the value of the seized MS and HSD stocks and specified an amount of Rs.11,68,667/- towards the full value of the seized stock.

The petitioner has a limited submission in this writ petition i.e. that he is unable to furnish a bank guarantee as directed since he had just established the outlet on 4.2.2006; the IOC test reports and by the Accredited Testing Laboratory disclosed no adulteration and that in the circumstances, and on account of his financial inability he be permitted to furnish landed property or 3rd party security instead of a bank guarantee.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies and in view of the submissions made on

behalf of the learned Government Pleader, the writ petition is disposed of directing the 1st respondent to accept either landed property or 3rd party security as desired by the petitioner, in lieu of a bank guarantee for the same value as determined, for release of the stocks of MS and HSD seized from the petitioner's retail outlet on 21.2.2006. The order of the 1st respondent dated 8.3.2006 is modified to the extent above. No order as to costs.

GODA RAGHURAM, J

Date: 17.03.2006

cvm